

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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PNC BANK, N.A.

Appellant,

-against-

JOSEPH CONTRINO,

Appellee.

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APPEARANCES:

Weltman Weinberg & Reis Co., L.P.A.

Attorneys for the Appellant

175 S Third St Suite 900

Columbus, OH 43215

By: Geoffrey J. Peters, Esq., Of Counsel

Scott R. Schneider, Esq.

Attorneys for the Appellee

117 Broadway

Hicksville, NY 11801

SPATT, District Judge.

On August 9, 2011, a notice of appeal from the Bankruptcy Court of the Eastern District of New York (Case No. 11-70190) was filed by the Appellant, PNC Bank, N.A. The Notice of Appeal states that the names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows: (1) Scott R. Schneider, Counsel for Plaintiff, Joseph R. Contrino, Debtor, 117 Broadway, Hicksville, NY 11801, (516) 433-1555; (2) Geoffrey J. Peters, Counsel for Defendant, PNC Bank, N.A., Weltman, Weinberg & Reis Co LPA, 175 South Third Street, Ste. 900, Columbus, OH 43215, (614) 857-4324; and (3) U.S. Trustee, Long Island Federal Courthouse, 560 Federal Plaza, Room 560, Central Islip, NY 11722-4437, (631) 715-7800.

On that same day, August 9, 2011, the Clerk of the Court entered a notice of docketing of a bankruptcy appeal, in accordance with Rule 8007(b) of the Bankruptcy Rules. This docket entry states that “Appellant’s brief shall be served and filed with[in] 15 days after the entry of the appeal on the docket; Appellee’s brief shall be served and filed within 15 days after serv[ice] of the brief of the appellant; Appellant’s reply shall be served and filed within 10 days after the service of the brief of the appellee.” (Docket Entry No. 2.) Thereafter, on or about August 30, 2011, the Appellant PNC filed its brief, which appears to have been served on both Mr. Schneider and Mr. Contrino. However, neither the Appellee nor his bankruptcy counsel filed an opposition. Consequently, PNC has not filed a reply brief.

The docket for this bankruptcy appeal indicates that Mr. Contrino is represented by Mr. Schneider, as he was in the underlying bankruptcy proceedings. However, based upon further inspection of the docket and a conversation Chambers had with Mr. Schneider, it now appears that Mr. Schneider’s appearance on the docket may have been entered in error. More importantly, if Mr. Contrino is in fact not represented by Mr. Schneider so that he is proceeding in this appeal *pro se*, it is also unclear to the Court if Mr. Contrino received a copy of the notice of the docketing of a bankruptcy appeal and consequently whether he was aware of the relevant briefing schedule.

Therefore, the Appellant is directed to reserve a copy of the notice of appeal (DE 1) and its brief (DE 3), as well as a copy of the Clerk of the Court’s notice of bankruptcy appeal docketing (DE 2), on Joseph Contrino by personal service on or before Friday, August 3, 2012. Mr. Contrino is permitted to submit an opposing brief on or before Friday, August 17, 2012. If the Court does not receive an opposition brief from Mr. Contrino by that time, the Court will consider PNC’s appeal to be unopposed. If an opposition brief is filed, the Appellant may

submit a reply brief on or before August 27, 2012. A copy of this Order will also be mailed to Joseph Contrino, at 195 Howard Street, Port Jefferson Station, NY 11776.

SO ORDERED.

Dated: Central Islip, New York
July 27, 2012

/s/ Arthur D. Spatt

ARTHUR D. SPATT